REMARKS

This application has been reviewed in light of the Office Action dated July 13, 2005. Claims 1, 2, 6, 7, 15, 16, 26 and 27 are presented for examination. Claims 1, 6 and 15 have been amended to define still more clearly what Applicant regards as his invention. Claim 2 has been amended to ensure consistency of terminology; no change in scope is intended or believed effected by this change. Claims 1, 6, and 15 are in independent form. Favorable reconsideration is requested.

The specification has been amended to conform the Summary of Invention section to the amended claims.

Claims 1, 6, 15 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,940,187 (Berke) in view of U.S. Patent No. 4,924,494 (Shung) and in further view of U.S. Patent No. 6,262,805 (Ishikawa); Claims 2, 7 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Berke in view of Shung and Ishikawa, and further in view of U.S. Patent No. 5,579,126 (Otsuka); Claim 26 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Berke in view of Shung and Ishikawa, and further in view of U.S. Patent No. 5,295,181 (Kuo).

As shown above, Applicant has amended independent Claims 1, 6 and 15 in terms that more clearly define what he regards as his invention. Applicant submits that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 1 is directed to an image reading apparatus, connected to a plurality of image forming apparatuses via a network. The apparatus includes: (1) generation means

for generating an image signal on the basis of reading the image; (2) selection means for selecting one from the plurality of image forming apparatuses for receipt of the generated image signal; (3) input instruction reception means for receiving an input instruction of user management information from the selected image forming apparatus; (4) determination means for determining whether or not the input of the user management information is necessary, in accordance with the received input instruction; (5) input control means for controlling the input of the user management information so as to be inputted in accordance with the result of the determination by the determination means; (6) output means for outputting the inputted user management information to the selected image forming apparatus; (7) reception means for receiving, from the selected image forming apparatus, availability information for using the selected image forming apparatus based on the output of the user management information; and (8) transmission control means for controlling transmission such that the generated image signal is transmitted to the selected image forming apparatus, in accordance with the availability information.

Berke relates to a certifying system that certifies facsimile messages transmitted between originator facsimile machines (originators) and receiving facsimile machines (receivers). Berke includes a certifying system 10 for receiving a facsimile message from an originator, identifying the originator, and then transmitting the facsimile message and certifying indicia that corresponds to the originator, to a receiver (column 5, lines 3-9).

Prior to transmitting a facsimile message, the originator provides a handwritten signature and identifying data to the certifying system 10, and the certifying system generates a cover sheet 52 for the facsimile message, which includes a reproduction of

the handwritten signature, a list of identifying data provided by the originator and a control number (column 6, lines 20-47). The originator also provides the certification system 10 with the desired destination for the facsimile message (column 10, lines 42-46). The originator transmits a facsimile message 54 to the certification system 10, and the certification system 10 appends the cover sheet 52 to the facsimile message to create a certified facsimile message, which is transmitted to the desired destination, i.e., the receiver (column 7, lines 34-52).

Nothing has been found in Berke that would teach or suggest at least the input instruction reception means, determination means, input control means, output means, reception means and transmission control means of amended Claim 1. First, the Office Action takes the position that certification system 10 corresponds to the image forming apparatus of Claim 1. Applicant disagrees. The certification system 10 of Berke is merely a store and forward facility for receiving a facsimile message from the originator and forwarding it to a receiver. It is not an image forming apparatus, and Applicant respectfully submits that Ishikawa does not teach otherwise.

Further, the originator discussed in Berke does not directly transmit anything to, or receive anything from, the receiver; rather it only communicates directly with the certification system 10. Accordingly, Berke does not teach or suggest any of the (1) "input instruction reception means for receiving an input instruction of user management information from the selected image forming apparatus," (2) "determination means for determining whether or not the input of the user management information is necessary, in accordance with the received input instruction," (3) input control means for controlling the input of the user management information so as to be inputted in accordance with the result of the

determination by said determination means," (4) "output means for outputting the inputted user management information to the selected image forming apparatus," (5) "reception means for receiving, from the selected image forming apparatus, availability information for using the selected image forming apparatus based on the output of the user management information," or (6) "transmission control means for controlling transmission such that the generated image signal is transmitted to the selected image forming apparatus, in accordance with the availability information," as recited in Claim 1.

A review of the other art of record, including Shung, Ishikawa, Otsuka and Kuo, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against Claim 1.

Independent Claims 6 and 15 are method and computer readable memory claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable over the cited art for at least the same reasons as discussed above in connection with Claim 1.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are, therefore, believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

Leonard P. Diana
Attorney for Applicant
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 530021v1